

Bill no.:	Committee Print 4
Amendment no.:	21
Date offered:	H.L.C. 6/21/02
Disposition:	Agreed to by VV

**AMENDMENT TO H.R.
OFFERED BY MR. SAWYER**

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Committee Print of title I of June
17, 2002 9:14 PM)

At the end of title I [page 58, after line 35], add
the following new section:

1 SEC. 106. GAO STUDY OF THE EFFECTIVENESS OF THE
2 NEW PRESCRIPTION DRUG PROGRAM.

3 (a) STUDY.—The Comptroller General of the United
4 States shall conduct a study on the effectiveness of the pre-
5 scription drug program provided under part D of title XVIII
6 of the Social Security Act. Such study shall—

7 (1) report—

8 (A) the percentage of eligible individuals who en-
9 rolled in the program;

10 (B) the demographic characteristics (including
11 health status) of such enrollees;

12 (C) the number and type of qualified prescription
13 drug coverage available to such individuals (including
14 the percentage of enrollees who had access to single or
15 multiple plans); and

16 (C) the premiums imposed for enrollment in dif-
17 ferent areas;

18 (2) evaluate the processes and methods developed by
19 the Administrator and the decisions reached by outside ac-
20 tuaries to determine the actuarial valuation of prescription
21 drug coverage; and

22 (3) assess whether the subsidy payments under such
23 part accomplished its stated goals of reducing premium lev-
24 els for all beneficiaries, reducing adverse selection, and pro-
25 moting participation of PDP sponsors.



- 1 (b) REPORT.—Not later January 1, 2006, the Comptroller
- 2 General shall submit a report to Congress on the study con-
- 3 ducted under subsection (a).



June 18, 2002 (6:50 PM)

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Bill no.:	Committee Print 4
Amendment no.:	4
H.L.C.	
Date offered:	6/20/02
Disposition:	Not Agreed to by 24 yeas and 31 nays

AMENDMENT TO H.R.

OFFERED BY MRS. CAPPS AND MR. PALLONE

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

Amend section 1860E(d) of the Social Security Act
[page 34, line 31 through page 36, line 4] (as proposed
to be inserted by section 101(a)(2)) to read as follows:

1 “(d) HHS AS PDP SPONSOR FOR A NATIONWIDE PRE-
2 SCRIPTION DRUG PLAN.—

3 “(1) IN GENERAL.—The Secretary, through the Ad-
4 ministrators of the Centers for Medicare & Medicaid Serv-
5 ices, shall take such steps as may be necessary to qualify
6 and serve as a PDP sponsor and to offer a prescription
7 drug plan that offers standard coverage throughout the
8 United States.

9 “(2) PREMIUM; SOLVENCY; AUTHORITIES.—In car-
10 rying out paragraph (1), the Secretary—

11 “(A) shall establish a premium in the amount of
12 \$35 for months in 2005 and, for months in subsequent
13 years, in the amount specified in this subparagraph for
14 months in the previous year increased by the annual
15 percentage increase described in section 1860B(b)(5)
16 (relating to growth in medicare prescription drug costs
17 per beneficiary) for the year involved;

18 “(B) is deemed to have met any applicable sol-
19 vency and capital adequacy standards; and

20 “(C) shall exercise such authorities (including the
21 use of regional or other pharmaceutical benefit man-
22 agers) as the Secretary determines necessary to offer
23 the prescription drug plan in the same or a comparable
24 manner as is the case for prescription drug plans of-
25 fered by private PDP sponsors.

Bill no.:	Committee Print 4
Amendment no.:	5
Date offered:	6/20/02
Disposition:	Not Agreed to by VV

AMENDMENT TO H.R. 4954

OFFERED BY M.

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Committee Print #1 of title I of
June 17, 2002)

With respect to the matter amended by the En Bloc
amendment offered by Mr. Tauzin, strike the matter in-
serted on page 13, at the end of line 20, and on page
54, after line 9.



Bill no.:	Committee Print 4
Amendment no.:	6
Date offered:	6/20/02
Disposition:	Not Agreed to by 25 years and 31 days

AMENDMENT TO H.R. 4954
OFFERED BY MR. WAXMAN

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Committee Print #1 of title I of
June 17, 2002)

Page 13, amend the sentence beginning on line 27
to read as follows: "The Administrator shall publish a
clear and easily understandable comparison, for each
PDP sponsor and each Medicare+ Choice organization, of
the sponsor's or organization's negotiated price (referred
to in paragraph (1)) for each covered outpatient drug
with the average manufacturer price specified in section
1927(k)(1) for such drug."



June 19, 2002 (2:58 PM)

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Bill no.:	Committee Print 4
Amendment no.:	8
Date offered:	H.L.C. 6/20/02
Disposition:	Not Agreed to by 20 yeas and 30 nays

AMENDMENT TO H.R.

OFFERED BY M.

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

At the end of section 1860C(d) of the Social Security Act (as proposed to be inserted by section 101(a)(2))

[page 19, after line 5] add the following new paragraph:

1 “(3) NEGOTIATING FAIR PRICES WITH PHARMA-
2 CEUTICAL MANUFACTURERS.—

3 “(A) IN GENERAL.—The Secretary shall, con-
4 sistent with the goals of providing quality care and con-
5 taining costs under this part, negotiate contracts with
6 manufacturers of covered outpatient drugs that provide
7 for the maximum prices that may be charged to indi-
8 viduals enrolled in a prescription drug plan, a
9 Medicare+Choice plan that provides coverage of cov-
10 ered outpatient drugs, or a qualified retiree prescrip-
11 tion drug plan, by participating pharmacies for dis-
12 pensing such drugs to such individuals.

13 “(B) PROMOTION OF BREAKTHROUGH DRUGS.—

14 “(i) IN GENERAL.—In conducting negotiations
15 with manufacturers under this paragraph, the Sec-
16 retary shall take into account the goal of promoting
17 the development of breakthrough drugs.

18 “(ii) DEFINITION.—For purposes of this para-
19 graph, a drug is a ‘breakthrough drug’ if the Sec-
20 retary determines it is a new product that will
21 make a significant and major improvement by re-
22 ducing physical or mental illness, reducing mor-
23 tality, or reducing disability, and that no other
24 product is available to enrollees that achieves simi-
25 lar results for the same condition.



June 17, 2002 (6:11 PM)

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**AMENDMENT TO H.R.
OFFERED BY MRS. CAPPS**

Bill no.:	Committee Print 4
	H.L.C.
Amendment no.:	11
Date offered:	6/20/02
Disposition:	Not Agreed to by 19 yeas and 28 nays

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

In section 1860G of the Social Security Act (as pro-
posed to be inserted by section 101(a)(2))—

(1) amend the section heading [page 38, lines
10 and 11] to read as follows:

1 **"SEC. 1860G. PREMIUM AND COST-SHARING SUBSIDIES**
2 **FOR LOW-INCOME INDIVIDUALS AND COST-**
3 **SHARING SUBSIDIES FOR INDIVIDUALS WITH**
4 **ALS.";**

(2) add at the end of subsection (a) [page 41,
after line 2] the following:

5 “(6) COST-SHARING GAP-FILLING SUBSIDY FOR INDI-
6 VIDUALS WITH ALS.—In the case of an individual who is
7 eligible to elect, and has elected, to obtain qualified pre-
8 scription drug coverage under this part and who is de-
9 scribed in section 226(h) (relating to individuals deter-
10 mined to have amyotrophic lateral sclerosis (ALS)), the in-
11 dividual is entitled under this section to the substitution for
12 the beneficiary cost-sharing described in paragraphs (2)
13 and (3) of section 1860B(b), for cost-sharing (for costs
14 above the annual deductible specified in paragraph (1) of
15 such section and up to the annual out-of-pocket threshold
16 specified in paragraph (4)(B) of such section) equal to 20
17 percent.

Bill no.:	Committee Print 4
Amendment no.:	12
Date offered:	H.L.C. 6/20/02
Disposition:	Not Agreed to by 22 yeas and 30 nays

AMENDMENT TO H.R.

OFFERED BY MR. GREEN OF TEXAS

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

Strike paragraphs (2) and (3) of section
1860B(b)(2) of the Social Security Act [page 14, line 23
through page 15, line 37] (as proposed to be inserted by
section 101(a)(2)) and insert the following:

- 1 “(2) LIMITS ON COST-SHARING.—
- 2 “(A) IN GENERAL.—The coverage has cost-sharing
- 3 (for costs above the annual deductible specified in para-
- 4 graph (1) and up to the annual out-of-pocket threshold
- 5 specified in paragraph (4)(B)) equal to 20 percent.
- 6 “(B) USE OF TIERED COPAYMENTS.—Nothing in
- 7 this part shall be construed as preventing a PDP spon-
- 8 sor from applying tiered copayments, so long as such
- 9 tiered copayments are consistent with subparagraph
- 10 (A).

Bill no.:	H.L. Committee Print 4
Amendment no.:	13
Date offered:	6/20/02
Disposition:	Not Agreed to by 21 yeas and 28 nays

**AMENDMENT TO H.R.
OFFERED BY MR. MARKEY**

**(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)**

**(Page & line nos. refer to Committee Print #1 of June 17,
2002)**

Page 32, amend lines 33 and 34 to read as follows:

1 **"SEC. 1860G. PREMIUM AND COST-SHARING SUBSIDIES**
2 **FOR LOW-INCOME INDIVIDUALS AND COST-**
3 **SHARING SUBSIDIES FOR WIDOWS.";**

Page 35, after line 23, insert the following new
paragraph:

4 “(6) COST-SHARING GAP-FILLING SUBSIDY FOR WID-
5 OWS.—In the case of an individual who is eligible to elect,
6 and has elected, to obtain qualified prescription drug cov-
7 erage under this part and who is a widow, the individual
8 is entitled under this section to the substitution for the
9 beneficiary cost-sharing described in paragraphs (2) and
10 (3) of section 1860B(b), for cost-sharing (for costs above
11 the annual deductible specified in paragraph (1) of such
12 section and up to the annual out-of-pocket threshold speci-
13 fied in paragraph (4)(B) of such section) equal to 20 per-
14 cent.



June 20, 2002 (7:19 PM)

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Bill no.:	Committee Print 4
Amendment no.:	H.L.C. 14
Date offered:	6/20/02
Disposition:	Not Agreed to by 20 years and 27 days

AMENDMENT TO H.R.

OFFERED BY Mr. Brown

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

In section 1860B(b) of the Social Security Act (as
proposed to be inserted by section 101(a)(2)), add at the
end [page 17, after line 2] the following new paragraph:

- 1 “(6) MINIMUM COVERAGE.—Notwithstanding the pre-
- 2 vious provisions of this subsection, in no case shall stand-
- 3 ard coverage be less for a year than the outpatient pre-
- 4 scription drug coverage provided for covered outpatient
- 5 drugs under the standard option of the Service Benefit
- 6 plan referred to in section 8903(1) of title 5, United States
- 7 Code, for that year.

Bill no.:	Committee Print 4
Amendment no.:	16
Date offered:	6/21/02
Disposition:	Agreed to, as amended, by UV

AMENDMENT TO H.R.

OFFERED BY MR. GREEN OF TEXAS

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

In section 1860B(b)(4)(C) of the Social Security Act
(as proposed to be inserted by section 101(a)(2)), strike
clause (ii) [page 16, lines 28 through 32].

Substitute
AMENDMENT TO H.R. 4954
OFFERED BY Mr. Deal

Bill no.:	<i>Committee Print 4</i>
Amendment no.:	<i>16a</i>
Date offered:	<i>6/21/02</i>
Disposition:	<i>Agreed to by 31 years and 22 days</i>

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Committee Print #1 of title I of
June 17, 2002)

Page 11, amend lines 17 through 21 to read as fol-

lows:

- | | |
|---|---|
| 1 | “(ii) such costs shall be treated as incurred |
| 2 | only if they are paid by the individual (or by an- |
| 3 | other individual, such as a family member, on be- |
| 4 | half of the individual), under section 1860G, or |
| 5 | under title XIX and the individual (or other indi- |
| 6 | vidual) is not reimbursed through insurance or oth- |
| 7 | erwise , a group health plan, or other third-party |
| 8 | payment arrangement for such costs. |



Bill no.:	Committee Print 4
Amendment no.:	H.R. 17
Date offered:	6/21/02
Disposition:	Not Agreed to by 25 yeas and 27 nays

AMENDMENT TO H.R. 4954
OFFERED BY MR. JOHN

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Committee Print #1 of title I of
June 17, 2002)

Amend section 1860C(c)(1) of the Social Security
Act [page 16, line 35 through page 17, line 19] (as pro-
posed to be inserted by section 101(a)(2)) to read as fol-
lows:

- 1 “(1) ASSURING ACCESS TO ANY WILLING PHAR-
- 2 MACY.—The PDP sponsor of the prescription drug plan
- 3 shall secure the participation in its network of any willing
- 4 pharmacy that dispenses (other than by mail order) drugs
- 5 directly to patients and that meets any standards estab-
- 6 lished by the sponsor that are consistent with standards,
- 7 established by the Administrator, that ensure convenient
- 8 access (as determined by the Administrator and including
- 9 adequate emergency access) for enrolled beneficiaries.



Bill no.:	Committee Print 4
H.L.C.	
Amendment no.:	18
Date offered:	6/21/02
Disposition:	Not Agreed to by 20 yeas and 32 nays

AMENDMENT TO H.R.

OFFERED BY Mr. Stupak

**(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)**

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

In section 1807(b)(1) of the Social Security Act (as proposed to be inserted by section 105), insert before the period at the end [page 62, line 21] the following: “, which are not less than 35 percent of the average wholesale price for the prescription drugs involved”.

Bill no.:	Committee Print 4
Amendment no.:	19
Date offered:	6/21/02
Disposition:	Not Agreed to by 20 years and 32 days

**AMENDMENT TO H.R.
OFFERED BY MR. STUPAK**

**(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)**

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

Add at the end of section 1860B(d) of the Social Security Act (as proposed to be inserted by section 101(a)(2)) [page 19, after line 5] the following new paragraph:

1 “(3) ACCESS TO FEDERAL SUPPLY SCHEDULE
2 PRICES.—Notwithstanding any other provision of law, any
3 individual who is enrolled with a prescription drug plan
4 under this part, or with a Medicare+Choice organization
5 under part C, shall be eligible to obtain prescription drugs
6 through at the prices specified in the Federal Supply
7 Schedule.



Bill no.:	Committee Print 4
Amendment no.:	20
Date offered:	6/21/02
Disposition:	Not Agreed to by 22 yeas and 28 nays

**AMENDMENT TO H.R.
OFFERED BY MR. STUPAK**

**(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)**

**(Page & line nos. refer to Committee Print of title I of June
17, 2002)**

At the end of section 1860A of the Social Security
Act [page 7, after line 29] (as proposed to be inserted
by section 101(a)(2)) add the following new subsection:

- 1 “(e) TOTALLY VOLUNTARY NATURE OF PROGRAM.—En-
- 2 rollment in a prescription drug plan under this title shall be to-
- 3 tally voluntary and no individual shall be required to enroll in
- 4 such a plan as part of any contract with any employer or under
- 5 any collective bargaining agreement or otherwise (including any
- 6 revision made to any benefit or pension plan or agreement re-
- 7 ferred to in section 9701 of the Internal Revenue Code of
- 8 1986, relating to coal industry health benefits).



June 18, 2002 (7:30 PM)

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Bill no.:	Committee Print 4
Amendment no.:	22
Date offered:	6/21/02
Disposition:	Withdrawn

**AMENDMENT TO H.R.
OFFERED BY MR. SAWYER**

**(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)**

**(Page & line nos. refer to Committee Print of titles II & IV of
June 17, 2002)**

Add at the end of section 1860D of the Social Security Act (as proposed to be inserted by section 101(a)(2))

[page 28, after line 24], the following new subsection:

- 1 “(g) PROVISION OF DATA.—Each PDP sponsor shall en-
- 2 sure timely access to appropriate data for the coordination and
- 3 continuation of efforts of the Secretary to monitor and improve
- 4 quality, conduct related research, and for other purposes. The
- 5 Secretary shall establish by regulation these data reporting and
- 6 coordination requirements by October 1, 2003.”.



June 18, 2002 (6:53 PM)

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Bill no.:	Committee Print 4
Amendment no.:	23
Date offered:	6/21/02
Disposition:	Not Agreed to by 22 years and 30 days

AMENDMENT TO H.R.

OFFERED BY Mr. Waxman

**(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)**

(Page & line nos. refer to Print of June 14, 2002 9:14 PM)

In section 1860G(a)(4)(A) of the Social Security Act
(as proposed to be inserted by section 101(a)(2)), strike
clause (iii) [page 39, lines 29 and 30].

Bill no.:	Committee Print 4
Amendment no.:	24
Date offered:	6/21/02
Disposition:	Withdrawn

AMENDMENT TO H.R. 4954

OFFERED BY MR. GREEN OF TEXAS

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Committee Print #1 of title I of
June 17, 2002)

Page 14, line 27, insert before the period at the end
the following: "and medical supplies associated with the
injection of insulin (as defined in regulations of the Sec-
retary)".



June 19, 2002 (11:38 AM)

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Bill no.:	<u>Committee Print 4</u>
Amendment no.:	<u>25</u>
Date offered:	<u>6/21/02</u>
Disposition:	<u>Agreed to by VV</u>

AMENDMENT TO H.R. 4954

OFFERED BY MR. TAUZIN

(Amendment to Medicare Modernization and Prescription
Drug Act of 2002)

(Page & line nos. refer to Committee Print #1 of title I of
June 17, 2002)

Page 10, line 37, strike "\$3,800" and insert
"\$3,700".

Page 38, line 1, strike "65 percent" and insert "66
percent".

Page 38, line 11, strike "35 percent" and insert "36
percent".

